

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DOUGLAS E. KAMPFER,

vs.

WENDY REU, et al.

6:08-CV-708
(DNH/GJD)

DOUGLAS E. KAMPFER, *Pro Se* Plaintiff
GERARD V. HECKLER, ESQ., Attorney for Defendant Ronald Kelly

ORDER

Presently before the court is a request by Attorney Gerard V. Heckler to extend the time for Defendant Ronald Kelly to answer or move against the complaint filed by the *pro se* plaintiff. This court granted a limited extension of time to Defendant Kelly until the court could review the objections to the request for extension. Those written objections by Plaintiff Kampfer have now been received.

The court notes that Attorney Heckler timely requested an extension prior to the deadline for answering since Defendant Kelly was served with process on July 7, 2008. Attorney Heckler explained that he is not enrolled in the Electronic Filing system, which is mandated by this court's Local Rules. The court notes that this case has recently been filed, and this is the first request for an extension of time by Defendant Ronald Kelly.

Pro se Plaintiff Kampfer argues that Attorney Heckler would be receiving "special privileges against [a] *pro se* litigant . . ." He further argues that Attorney

Heckler did not follow the Local Rules for motion practice. Those objections are overruled since the extension of time is to the *defendant* and not to his retained attorney. In addition, our local practice in the Northern District of New York allows for “letter motions” for *non-complex matters* such as requesting an extension of time to answer a complaint. Thus, his letter-motion was proper.

This case is in the very beginning stages, and there will be *no* prejudice to the plaintiff simply because a defendant was given additional time to answer or move against the complaint. This is especially true since there are may be jurisdictional issues raised by Defendant Kelly.

WHEREFORE, it is hereby

ORDERED, that the request for an extension of time to answer by Attorney Gerard V. Heckler on behalf of Defendant Ronald Kelly is hereby **GRANTED**. Attorney Heckler must file Defendant Kelly’s response on or before August 27, 2008.

Date: July 31, 2008



Hon. Gustave J. DiBianco
U.S. Magistrate Judge